

**TOWN OF BOW MAR, COLORADO**  
**BOARD OF TRUSTEES**  
**MINUTES OF THE REGULAR MEETING**  
**FEBRUARY 15, 2016**

**CALL** The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday February 15, 2016, Mayor Rick Pilgrim presiding. The meeting was held at Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:02 p.m.

<b>PRESENT</b>	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		Gary Guilford
		Carrie McLaughlin
		Anne Justen
		Jane Carlson
		Marsha Dennis
	Attorney	Brian Jumps
	Clerk/Treasurer	Karen Reutzel

**Public Comment** – None.

**Public Hearing - Public Hearing and Possible Board Action to Adopt Ordinance No. 308 Amending the Year 2016 Budget.** Town Clerk Karen Reutzel read Ordinance 308 into the record. It was noted that the Ordinance was unchanged from what was introduced in January, except for the beginning and ending fund balance numbers that were revised to reflect updated income and expense numbers for 2015. The amendment appropriates an additional \$30,000 to the 2016 budget to provide for additional administrative services. There was no public comment. The Board approved Ordinance 308 unanimously on roll call vote.

Carlson	- Yes	Justen	- Yes
Dennis	- Yes	McKittrick	- Yes
Guilford	- Yes	McLaughlin	- Yes

**First Reading - First Reading of a Variance Request for 5245 Yellowstone (Cox-Voermann home):** Request for a 6.10 ft. variance to the west side setback for the addition of a roof overhang. Commissioner Carlson introduced the requests. The owners (Kathy Cox and Carson Voermann), their architect and landscape designer were present to explain the two variance requests. It was explained that the existing house is already over the setback a bit on the west side (garage portion of the house) and the plan is to just extend the roofline of the house on the west side to cover an existing slab where trash cans are located and which get wet from the elements. An existing fence surrounds the slab and trash area, so the area is already “occupied” in the setback and it will all be

integrated with the existing roofline. ACC has approved the request. This variance request will be set for public hearing in March.

**First Reading - Variance Request for 5245 Yellowstone (Cox-Voermann home):**

Request for a 28 ft. variance to the rear setback and an 18 ft. variance to the side setback for the construction of a garden shed. It was explained that the new owners will be updating the landscaping for the home. There is an existing concrete slab within the setback area where they propose to add the shed. The shed will relate to the architecture of the house and will be a nice feature – almost an architectural folly. The shed will be shielded from the street and adjacent lots by existing landscaping and additional landscaping to be installed. This request was recommended for approval by ACC. It will be set for public hearing in March.

Commissioner Dennis said that when variance requests come before the Board, she would like to see ACC submit something in writing to the Board about why a variance is required and why they are recommending approval.

**Consent Agenda** – The Minutes of the Regular Meeting on January 18, 2016 were approved unanimously by motion. (McKittrick/Carlson/Unanimous.) The Treasurer's Report and payments made in January were approved unanimously by motion. (Dennis/Guilford/Unanimous).

**Commissioner Reports**

Public Safety - Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 41 summonses issued in January, including 14 in Bow Mar, 2 arrests and 30 Bow Mar calls for service. They continue to investigate mail thefts in the neighborhood, in one instance an entire mailbox was stolen, in other instances mail was stolen from locked and unlocked mail boxes. A potential suspect has been cleared. There have been several instances of fraud phone calls again, so residents are advised to beware of callers seeking personal information. A new police officer, Greg Bartholme, has been hired to replace Officer Ohlinger, who left the force last month. New car cameras are being installed in police vehicles.

Town Attorney Brian Jumps arrived at 7:25 p.m.; his flight back to Denver was delayed.

Finance – Finance Commissioner Marsha Dennis reported that at the end of January, the total revenues were at 1% of the year-to-date budgeted amount while expenditures were at 4%. General government was at 5% of budget, Public Safety 8%, Parks and Rec. 0%, and Public Works 0%. Please note that property and road taxes, which are the majority of the town's revenue, have not yet been collected, and won't come in until later in the year. January revenue consists of miscellaneous taxes and fees. The total year-to-date operating deficit of \$18,754 and the net non-recurring income of \$350 result in a total year-to-date deficit of \$18,404. The January financials were approved unanimously by motion. (McLaughlin/McKittrick/Unanimous).



Building – Building Commissioner Jane Carlson reported that four building permits for smaller projects were issued in January for fees of \$5,424. She reported on a couple of upcoming new projects, including two homes on Lakeshore/Beach road that will begin asbestos remediation and will likely be under construction over the summer. The ongoing drainage issue with the new home on Sky Trail is continuing (significant amounts of water is being pumped from a sump pump in the home and being discharged onto neighboring properties and the street). Commissioner Carlson is meeting with the owners (Harvey) later in the week to explore solutions.

She has been asking contractors to park as many vehicles as possible on properties under construction rather than on the street, but in some cases that is not possible. She said Town residents need to be patient; there is a lot of construction going on right now.

Parks & Recreation - Parks & Recreation Commissioner Carrie McLaughlin reported that another coating was applied to the new Sheridan sign earlier in the day. The ground is so frozen that it will be difficult to repair the electrical issues at the traffic circles until the ground thaws. She noted that there is a major gas line that runs through the Sheridan Circle so Xcel has to be present any time there is any digging in that area. Mayor Pilgrim commented that the new sign looks nice.

Public Works - Public Works Commissioner Merle McKittrick gave a detailed report on public works issues around Town. He said having additional administrative help would have been most useful to deal with all of these issues:

Spring Signage Repairs/Replacement: A total of 30 signage tasks are on order with ArtCraft Signs for March/April at a cost not to exceed \$2,000: 6 bent post replacements, 9 new stop signs, 1 speed limit sign, 3 directional signs at circles, and multiple intersection culvert reflectors. Separately, two of the Lakeshore (sailboat) street signs are missing; those steel signs need to be fabricated and hand painted. In addition, the Sheridan/Sunset street sign needs to be repositioned with a new post. The Board approved the expenditure of up to \$2,000 for signage repair tasks throughout Town by unanimous motion.

Spring Road Repair: Quotes are in progress for repairs for pothole and road damage on Wagon Trail, Sombrero, Sunset and Prospect. Parts of Redwood, Sky Trail and Larkspur have major damage, but that repair work is postponed until major construction projects are complete. He has received a Metro Paving quote for repairing the road shoulders (installation and compaction of Class 6 road base) on Sheridan from the traffic circle to Wagon Trail. He requested Board approval for that work to be completed in March for an amount not to exceed \$5,000. This was approved unanimously by motion.

Construction Road Cuts in Progress: - Four Xcel energy road cuts for gas service have been approved for construction projects; these cuts impact Bow Mar Drive, Larkspur, Redwood and Aspen.

Sewer Trench Failure on Bow Mar Drive -The contractor has been notified that 2015 trench work has fallen below grade and must be repaired.

Xcel Utility Work - Underground utility work has commenced from the Berry entrance to the intersection of Juniper and Lakeshore. Most of the work will be done inside of backyard easements. Road cuts for utility portholes are also involved on Aspen, Beach and Lakeshore. The diagram of the work showing affected properties is posted on the website.

Snowplowing - Plowing expenses are within budget.

2016 Road Preservation and Paving Program - The 2016 phase of the program involves repairing and repaving Bow Mar Drive in Jefferson County. At the northern end of Bow Mar Drive where the road has deteriorated extensively, this will involve complete removal of the existing asphalt (as was done on Homestead), compaction of the subgrade and 6" of new asphalt. Another large section requires edge milling, removal of damaged asphalt and a 2" overlay of new asphalt. The newer section of Bow Mar Drive (from Yellowstone to Sheridan) only requires crack sealing and oiling. Bowman will send this work out to bid in March so that a quote can be approved by the Board in April for summer completion of the project.

He also wanted to remind residents that 2016 is Year 2 of the capital road preservation project, however there will also be other road repairs made around Town as part of normal annual maintenance that are not part of that program. These include shoulder repair, pothole repair, and addressing drainage issues.

Intergovernmental – Intergovernmental Commissioner Anne Justen attended the January DRCOG meeting, but said the topics were not very applicable to Bow Mar. They have determined that Open Meetings law applies to DRCOG meetings so they will increase their posting and reporting. The MetroVision 2040 document is due out in a few months. She reported on proposed state legislation that would allow the shoulders on Highway 36 to be opened up for buses. The next DRCOG meeting is Wednesday. She is looking into the benefits and values of DRCOG membership outlined in a document from DRCOG. She reported that precinct caucuses are on March 1. Mayor Pilgrim reported he received a letter in the mail from Jim Taylor (former Littleton Mayor) who is running for the South Suburban board. He is reaching out to people to vote for him (Arapahoe County only).

Commissioner Justen said there was nothing new to report on any pending Littleton projects. She is keeping an eye on developments in Englewood and associated government transparency issues.

**Clerk Comments** - Town Clerk Karen Reutzel reported that the next Regular Meeting will be held on March 21, 2016. She has certified the 2016 Budget to the state and is working on insurance renewals. The meeting with the auditor to turn over materials is scheduled for February 29. In response to comments made at the January meeting (which she was unable to attend), she clarified that she did not purchase a scanner for the Town, even though the Board authorized the purchase of one last year, because she was able to make her personal scanner work after a hardware upgrade. The only Town equipment she has is a phone set and a voice recorder and these items will be passed on to a new Town Clerk/Administrator when the time comes.



Commissioner Dennis asked Clerk Reutzel if she had received a digitized copy of the Comprehensive Plan on a thumb drive as had been requested from Community Matters (CMI). She said no, referring to an editable Word version, not a digitized pdf version, which had been received and distributed to the Board. She was told that this wasn't in the CMI contract and they would only be providing a pdf. Commissioner Dennis requested this be referenced in the minutes. Mayor Pilgrim will discuss the issue with CMI principle Barb Cole and review the contract with her.

**Attorney Comments** - Town Attorney Brian Jumps had no comment.

**Mayor's Report** – Mayor Pilgrim read a thank you note he received from former Town Attorney Jack Reutzel regarding a gift card he received from the Board in thanks for his service.

**BMOI Report** – BMOI President Chris Murdy reported that BMOI is working on Beach security issues and preventing unauthorized access to the Beach by non-members. They are increasing police security and adding a position under the Beach Manager to monitor the gate on the weekends. The Blackouts tradition continues. Dues invoices have been sent out. Commissioner McLaughlin reported that there are five applicants for the King Scholarship awards and those applications are being reviewed by the selection committee. The award recipients will be announced at the Winter Dance/Blackouts on March 5.

### **Old Business:**

Discussion and Possible Board Action to Ratify an Intergovernmental Agreement with the Town of Columbine Valley to Provide Certain Clerk and Administrative Functions Performed by the Town Clerk and Others (to include, for example, issuing building permits during regular business hours, coordination of contractors to perform road-related functions and updating the Town website). It was noted that the IGA was discussed at a special meeting on February 5, and there were no changes made at that meeting. However, at the request of Columbine Valley, execution of the IGA will now be delayed until after the April 5 election has occurred and a new Bow Mar Board is seated. Columbine Valley has nevertheless asked Bow Mar's current Board to ratify the IGA as to its current form until such time as the future Board can pick it up and move forward with it. This would allow a new Board to move forward on an immediate basis if they were so inclined. Columbine Valley's Board will be doing the same thing.

Town Attorney Jumps reminded the Board that the IGA was previously approved by Bow Mar's Board at the January 18 meeting, except for final details that are being negotiated. Voting to ratify the current form of the IGA is not binding on Bow Mar or Columbine Valley and the agreement won't be finalized until a later time. Commissioner Carlson reported she met with Town Administrator J.D. McCrumb regarding the plan to transition the issuance of the building permit process to them and how they might modify Bow Mar's documents so they look like more like Columbine Valley's, even though they

won't be dictating our form or content. She said she feels satisfied that the building process will transition at a pace to allow both parties to be comfortable and in a professional way. Updating the Building Code (which Terry Weis is currently working on and was planned regardless) will take about 6 months. Commissioner Carlson said the IGA is not trying to negate the uniqueness of Bow Mar, but rather to bring some consistency in the forms the two towns use. It was noted that the IGA provides a framework for the provision of services – but doesn't dictate exactly how everything is going to work in great detail.

Commissioner McKittrick reported he also discussed Public Works issues with Mr. McCrumb – he said 90% of the work on his report this month could have been coordinated with them. They have a team who could assist with those matters and this would have been very helpful to him as a volunteer.

Commissioner Justen noted Town Attorney Jumps had not responded to questions she asked in a lengthy email to him before the special meeting. He said the IGA was discussed in executive session at the special meeting and it would not be appropriate to discuss her questions in open session due to the confidentiality of the executive session. He said he could to discuss her questions with her in another forum.

A motion was made to approve the IGA as to form to memorialize what has negotiated to date with the understanding that minor changes will occur if this arrangement moves forward. (Carlson/McKittrick). Commissioner McLaughlin, who was out of town for the February 5 special meeting, asked if it was Columbine Valley who decided not to move forward with the IGA until April. Mayor Pilgrim said yes - Columbine Valley's Board has decided not to approve the IGA until after Bow Mar's April 5 election. He said that we understand that Bow Mar residents had provided feedback opposing the plan to Columbine Valley's Board, and this feedback led to this decision. Commissioner McLaughlin noted that in addition, Columbine Valley will also have a new Board after April 5, although they will not be having an election because no Board seats are contested.

The Board unanimously approved the motion to approve the IGA as to form.

#### **New Business:**

Discussion and Possible Board Action Regarding Resolution No. 2016-002 Designating the Official Location for Posting Town Meetings as 5395 Lakeshore. The Board unanimously approved Resolution 2016-002 designating the area adjacent to the Town mailbox outside the Beach gate as the official location for posting notices of regular and special meetings of the Town. (Guilford/Dennis/Unanimous).

Update on April 5 Municipal Election - Town Clerk Karen Reutzel gave the Board an overview of the plan for the April 5 election. She said she was not expecting to be running the election because it was anticipated that Columbine Valley would be taking over after the IGA was finalized, which was expected to happen in early February.



Therefore, she had to organize the election in a very compressed timeline, requiring her to drop all other work over the past week. She reported on the steps taken to date and other upcoming deadlines. Of primary importance was determining a location for the mail ballot election. Bow Mar can't meet all of the requirements for a mail ballot election because it does not have a physical location that is fully ADA accessible, and does not have a secure and continuously supervised mail box to receive ballots. After contacting Arapahoe and Jefferson Counties, she learned that neither of them are assisting local governments with their elections this spring due to their preparations for the June primary elections. This means that the Columbine Valley Town Hall was the only other viable location for the election, and Columbine Valley has agreed to help on a limited basis in order to be good neighbors, particularly in light of the unexpected circumstances.

Discussion and Possible Board Action Regarding Resolution No. 2016-003 Authorizing the Town Clerk to Appoint Election Judges for the April 5 Municipal Election. Town Clerk Reutzel explained the Board must appoint election judges for the election or authorize the Town Clerk to appoint them. Election judges are the people who actually verify and count the ballots so they serve a critical role. For this election they need to be appointed by mid-March, which falls before the next Board meeting. A motion was made and unanimously approved to authorize the Town Clerk to appoint the election judges for the election. (Guilford/Dennis/Unanimous).

Discussion and Possible Board Action to Approve an Intergovernmental Agreement with the Town of Columbine Valley to Serve as the Designated Drop-Off and Mailing Location for Mail Ballots for the April 5 Municipal Election. Town Clerk Reutzel described the terms of an intergovernmental agreement ("IGA") she negotiated with the Town Administrator of Columbine Valley concerning election services, which was reviewed and approved by the attorneys for both Towns. Under the plan, Columbine Valley will serve as the mail and drop-off location for all mail ballots, but the staff won't otherwise process the ballots other than securing them in a locked ballot box. The Town will provide all other election services, to include designing and mailing the ballots, appointing and training election judges, and verifying and counting the ballots, among other duties. The Board approved the IGA unanimously by motion. (Dennis/McKittrick/Unanimous).

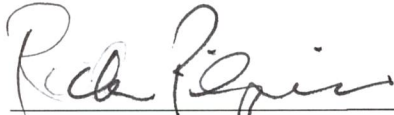
Discussion and Possible Board Action to Approve an Interim Supplemental Agreement for Town Clerk Services.

Mayor Pilgrim noted that the replacement of Town Clerk Reutzel has now hit a critical point in light of the delay with the IGA. Clerk Reutzel gave her notice in August and extended her departure initially until early February, but has now agreed to stay on through the April election so the Town is not left in a bind. However, this is now starting to cause her professional and financial hardship because she must put aside her law practice, which she had ramped up after her planned departure. The election and the audit, among other matters, are going to necessitate her to devote many more hours to the Town than is typical. Mayor Pilgrim asked the Board to ratify a revised contract he had

negotiated with Clerk Reutzel until she is able to transition out in April. It was noted that additional funds were budgeted for the Clerk transition and funds were budgeted to hire Arapahoe County to provide election services, which are now going to be provided by the Town Clerk. A motion was made and unanimously approved to increase the contract rate for Town Clerk services to \$7,500 for the month of February and March and pro-rated at that same amount through her departure in April to provide for additional administrative services related to the election, audit and other transition issues, and to employ secretarial and administrative support through Fairfield and Woods in an amount not to exceed \$3,000 without further authorization. (Dennis/McKittrick/Unanimous).

Commissioner McKittrick raised the issue of cars parking along Pinyon to access Mary's Meadow and the resulting damage to adjacent residents' yards. This item will be put on the March agenda.

**Adjournment**            There being no further business, the meeting was adjourned at 8:58 p.m. (Guilford/Carlson/Unanimous).

  
Rick Pilgrim, Mayor

  
Karen V. Reutzel, Town Clerk and Treasurer